

APPENDIX C
CORRESPONDENCE



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

1875 Century Boulevard
Atlanta, Georgia 30345
October 6, 1999

FWS/R4/ES

Mr. Elmar Kurzbach
Planning Division
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Mr. Kurzbach:

The Fish and Wildlife Service provides the following comments with regard to the Army Corps of Engineers (Corps) August 13, 1999, Notice of Intent to Prepare an Environmental Impact Statement (EIS) on Interim Operations of the Central and Southern Florida Project to Protect the Cape Sable Seaside Sparrow Until the Modified Water Deliveries to Everglades National Park (Mod Waters) project is fully constructed.

General Comments

In general, we are pleased that the Corps has begun planning for implementation of the reasonable and prudent alternative (RPA) for the endangered Cape Sable seaside sparrow contained in the Service's February 19, 1999, final biological opinion on the Experimental Water Deliveries Program. However, we find some of the language used in your Notice of Intent misleading and unnecessary. While we all recognize that RPA implementation may cause some minor and transitory adverse effects to other Central and Southern Florida Project purposes, there is no reason to give the public the impression that there would be unacceptable adverse effects.

on private lands. Similarly, we are unaware of any possible impact to urban development related to RPA implementation.

Use of the term "agricultural flood protection" also appears inappropriate, because increases in water levels on agricultural lands expected with RPA implementation come nowhere near exceeding the level of legally authorized flood protection characterized by the 1983 Base and have received a Finding of No Significant Impact determination from the Corps as part of your Environmental Assessment. *Text 7, Phase II, 6/11/83, p. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 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We appreciate the opportunity to comment. If you have any questions about this letter, please feel free to call me or Florida State Supervisor Stephen Forsythe at 561/778-0896.

Sincerely yours,

for Sam D. Hamilton
Sam D. Hamilton
Regional Director



Florida Fish and Wildlife Conservation Commission

200 CPU
CF: P9

James L. "Jamie" Adams, Jr.
Bushnell

Barbara C. Barsh
Jacksonville

Quinton L. Hedgepeth, DDS
Miami

H.A. "Herky" Huffman
Deltona

Thomas B. Kibler
Lakeland

David K. Meehan
St. Petersburg

Julie K. Morris
Sarasota

Tony Moss
Miami

Edwin P. Roberts, DC
Pensacola

John D. Rood
Jacksonville

ALLAN L. EGBERT, Ph.D., Executive Director
VICTOR J. HELLER, Assistant Executive Director

November 22, 1999 OFFICE OF ENVIRONMENTAL SERVICES
BRADLEY J. HARTMAN, DIRECTOR
620 South Meridian Street
Tallahassee, FL 32399-1600
www.state.fl.us/fw
(850)488-6666
FAX (850)922-5679
TDD (850)488-9541

Colonel Joe R. Miller
District Engineer
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re: Scoping Notice for the Interim Operational
Plan for the Central and South Florida
Project, Multiple Counties

Dear Colonel Miller:

The Office of Environmental Services of the Florida Fish and Wildlife Conservation Commission (FWC) has reviewed the proposed set of changes in the current operations for the Central and South Florida (C&SF) Project, and provides the following comments and recommendations. These comments and recommendations were developed in consultation with staff of the FWC's Division of Wildlife, Bureau of Wildlife Management, on potential impacts to conditions in the Everglades Wildlife Management Area [Water Conservation Areas (WCAs) 2 and 3] and Southern Glades Wildlife and Environmental Area.

Background

In February 1999, the U.S. Fish and Wildlife Service (FWS) issued a Biological Opinion under the Endangered Species Act, stating that continuing to operate Test 7 of the Experimental Program of Deliveries to Everglades National Park would jeopardize the existence of the Cape Sable seaside sparrow (federally and state-listed as endangered). As a part of this Biological Opinion, the FWS described a series of hydrological conditions, termed the Reasonable and Prudent Alternative (RPA), that must be met each year until 2003 in order to remove the sparrow from its jeopardy status. Ultimately, these actions would lead to the implementation of the program of Modified Water Deliveries to Everglades National Park in 2003. The U.S. Army
[REDACTED] has agreed to meet the 2003 target, but has not stated whether it

South Dade Conveyance System, in a way that will protect the Cape Sable seaside sparrow, particularly subpopulation D (downstream of the S-12 structures), until 2003. Although the Environmental Impact Statement will not be completed until later next year, we understand that the COE expects to declare an emergency again this winter, similar to the emergency that was declared last year, and may implement some or all of the measures outlined by the scoping notice. These measures are laid out in a three-tiered system consisting, first, of operational and structural changes that are likely to be implemented regardless of hydrological conditions; second, of operational changes that are less likely to be implemented; and, third, of additional operational changes that would be implemented only as a last resort if conditions were extremely wet. The COE has deemed that the first set of these actions would be beneficial both to the Cape Sable seaside sparrow and to the overall Everglades system; the second set is anticipated to benefit the sparrow, but cause some conflicts among the purposes of the C&SF Project; and the third set would cause significant conflicts among the purposes of the C&SF Project.

Concerns and Recommendations

Overall, we are concerned that the recent history of high water levels in the WCAs and Lake Okeechobee and the large pulses of fresh water to the estuaries has greatly reduced the resiliency of the natural system to accommodate continued stress. We believe that operational plans must take into account this recent history of damage. For areas that have borne the brunt of adverse conditions during much of the past decade, our concern is that further exposure to high water levels and large pulses of fresh water may cause permanent change, including loss of valuable habitat. Consequently, our overall recommendation is that the interim operating plan should make use of every opportunity not only to avoid exacerbating damaging conditions, but also to reverse the damage caused by the past several years. Although the interim operating plan states that the first tier of actions would provide "overall ecological benefits" and "timely, gradual and ecologically desirable changes in WCA 3A," we note that item 1.1.2 (shutting down or entirely closing the S-12 structures) could result in a continuation of damagingly high water levels in WCA-3A. Specific concerns and recommendations are as follows.

1. The January 1 - July 15 action window. A number of actions are proposed to start on January 1, presumably in order to reduce water levels in the WCAs and to ensure appropriate water levels

Colonel Joe R. Miller
November 22, 1999
Page 3

about the fate of the sparrow, we also recognize the need to protect resources upstream of the S-12 structures. An option that would better balance the need to protect both the sparrow and the [redacted] would be to tie these actions to observed conditions, as opposed to a [redacted]

Colonel Joe R. Miller
November 22, 1999
Page 4

S-197 structure would be ecologically damaging to Card Sound, we recommend that it be included only in the third tier of actions.

4. The quantity of water entering the WCAs. With the exception of items 2.1 and 3.1 (altering operations of Lake Okeechobee), there is no consideration given to limiting the amount of water entering the WCAs. We understand that the inflow capacity currently exceeds the outflow capacity; therefore, actions that improve conveyance out of the WCAs address the problem.

problem.

Recommendation IV

Colonel Joe R. Miller
November 22, 1999
Page 5

Recommendation: We recommend that the COE form a team of agencies that manage public lands and resources directly affected by the operation of the C&SF Project and its interim operational plan. The purpose of this team would be to advise the COE and coordinate on major operational decisions (e.g., at the November decision-making point each year, as mentioned in items 1.1, 2.2, and 3.2). At a minimum, we recommend that this team consist of representatives from the FWS (A.R.M. Loxahatchee National Wildlife Refuge), National Park Service (Everglades National Park and Big Cypress National Wildlife Refuge), and the FWC [estuarine fish and shellfisheries, Charlotte Harbor Fisheries, Everglades Wildlife Management Area (WCAs 2 and 3)]

Colonel Joe R. Miller
November 22, 1999
Page 6

BJH/MAP
ENV 2-16/11

iopmod.let.wpd

cc: Mr. Frank Finch, SFWMD, West Palm Beach
Mr. Stephen Forsythe, USFWS, Vero Beach
Mr. Wally Hibbard, NPS, Big Cypress National Preserve, Ochopee
Mr. Mark Musaus, FWS, Loxahatchee National Wildlife Refuge, Boynton Beach
Superintendent Richard Ring, Everglades National Park, Homestead
Mr. James Duck, USACOE, Jacksonville
Ms. Cindy Brashear, FWC, Wellington



Southeast District
P.O. Box 15425
West Palm Beach, Florida 33416

David B. Struhs
Secretary

Col. Joe Miller
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, Florida 32232-0015

Dear Col. Miller,

As requested by your staff, I am providing a written record of my comments provided at the EIS Scoping Meeting held last night in Homestead, Florida. First, let me compliment

you on the restraint you exhibited in the face of the misinformation and extreme accusations voiced at that meeting. Faced with a no-win situation and a range of options that limit us to a choice of the lesser of several “evils”, dissatisfaction is inevitable.

Since my letter is not limited to three minutes, I will provide a few more details that were provided at the meeting. My comments will follow the order in which they were given at the meeting.

- 1.) Instead of using a “3 month weather outlook” to determine the need for structure operation changes and regulation schedule deviations, I suggest the Corps consider the possibility of using the SFWMD’s 6 month weather forecasting model. This could provide additional lead-time to prepare for predicted unusual occurrences or to remedy existing damaging conditions.

1. How the Corps plans to use the weather forecast information. A

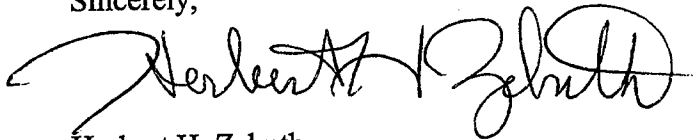
- 3.) Proposed operating changes appear to be planned only during the period between January 1st and July 15th of each year. In light of the severe problems affecting the natural system, it would seem more prudent to allow implementation of the modified operational criteria 12 months of the year, or whenever the opportunity occurs. With the variability of weather patterns in Florida, dry periods can and have occurred in July as well as February. Whenever the opportunity occurs to drain excess, harmful water, we should be ready to do so.
- 4.) Proposed plugging of the L-31W Canal south of S-175 as described in the scoping material, would appear to be counter intuitive. Since the L-31W is currently one of the primary discharge canals, a more detailed justification should be included in the EIS. An analysis of the influence of the canals and ditches that currently exist on the Aerojet property, on the ultimate destination of L-31W flows and the impacts this influence has on the operation of S-197; and flows to Barnes Sound, Taylor Slough and Florida Bay should also be included. If the sparrow nesting season pumping limitation of 165 cfs at S-332D remains in affect, an analysis of the benefits to Barnes Sound, lower Taylor Slough and Florida Bay of plugging the canals and ditches on the Aerojet property should be provided. If the pumping limitation is removed, an analysis should be provided to document that no additional discharge capacity is available if the L-31W plugging is omitted. While it is fully understood that plugging of the canal is ultimately necessary for restoration of more natural flows to Taylor Slough, other factors must also be considered. Under these emergency conditions top priority must be given to providing maximum discharge capacity and relief to the natural areas further north which suffer from extreme high water conditions. General, broad based support for emergency actions will depend upon an acceptance that all possible measures to reduce impacts to other parts of the natural system have been considered and effective actions included in the plan.
- 5.) While an option to reduce flood control discharges from the EAA to WCA 3A is included, no mention is made of the consequences to other parts of the natural system resulting from this proposal. Was the intent to simply hold water levels higher in the EAA primary and secondary canal systems or would increased backpumping to Lake Okeechobee be required? While phosphorus concentrations are lower in EAA drainage water than in discharges from north of the lake, any additional phosphorus loading to the lake is a serious matter. In addition, nitrogen concentrations are much higher in EAA drainage discharges than in any other lake discharge. Since much of the lake is nitrogen limited, such an increase could have a substantial impact on the frequency and severity of lake algal blooms. It must be remembered that Lake Okeechobee is a Class I drinking water source. Some other water quality problems associated with increased EAA discharges would include low dissolved oxygen levels; and high levels of chlorides, dissolved solids, unionized ammonia, specific conductivity, and bacteria.
- 6.) Although two of your panel members stated that Lake Okeechobee water levels were currently "in good shape", this statement is not justified. Although it may be within the authorized regulation schedule, the current level of over 17 feet NGVD is damaging to the lake's ecosystem. Damagingly high water levels have existed in the lake for a number of years without adequate relief. There are good reasons the

Department has for many years, supported adoption of a lower lake regulation schedule. Since the lake's littoral marsh exists between about 12 feet and 15 feet NGVD, levels above 15 feet increase water depths over the marsh and facilitate the movement of turbid, high nutrient water from the lake's mud zone into the marsh. Over 25% of the once diverse marsh has been converted to cattails. Marsh diversity is further reduced by high water that prevents the sprouting of annual plant seeds. Large areas of emergent vegetation have been destroyed through drowning and being uprooted. Vast areas of submerged vegetation have disappeared due to increased depths and the introduction of turbid water that promotes algal blooms and shades the submerged plant community. During the past several years of high water levels, former areas of high quality aquatic habitat such as Moonshine Bay have been severely impacted. The EIS must address all the consequences of any actions that increase lake levels.

- 7.) Actions which can lower the lake water level and water levels in other stressed natural areas, such as non-harmful discharges to the estuaries and discharges through all available coastal canals should be take year-round, whenever conditions and capacity allows.

I appreciate the opportunity to provide comments on this important effort. If there are any questions regarding these comments, please call me at (561) 681-6703. I look forward to reviewing the Draft EIS.

Sincerely,



Herbert H. Zebuth
Environmental Coordinator

hhz

cc: Ernie Barnett
Melissa Meeker
Carolyn Ansay



Facsimile and First Class Mail

November 30, 1999

Mr. Elmar Kurzbach
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

Re Interim Operational Plan re Cape Sable Seaside Sparrow

Dear Mr. Kurzbach:

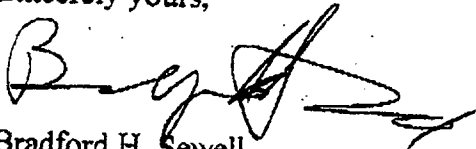
On behalf of the Natural Resources Defense Council ("NRDC"), I write to provide comments on the scoping of "an Environmental Impact Statement (EIS) on an Interim Operational Plan (IOP) for the Cape Sable Seaside Sparrow."

- (5) Scoping letter, p. 1: We recommend that each year of the RPA, specifically the increasing percentages of NESS regulatory releases, be analyzed separately for purposes of formulating the IOP. This will best enable analysis of the mitigation that is appropriate and necessary for each level of impact. Such incremental analysis will also allow coordination with ongoing land acquisition of the Park expansion area and with 8.5 square mile area ("SMA") decision-making.
- (6) Scoping letter, p. 1: The IOP and EIS should take into account the intended completion date for total acquisition of the Park expansion area, which we understand will be late in 2000.
- (7) Scoping letter, p. 2: The EIS should include analyses and discussions of collateral *beneficial* environmental and social impacts of actions considered for the IOP, not simply discussions of adverse consequences. Moreover, if adverse impacts are associated with an action, there should be comprehensive discussion of mitigation options for such adverse impacts.
- (8) Scoping letter, p. 2 & Encl. 2, para. 1.5: Any discussion of impacts on private property should include discussion of:
- (i) the specific manner in which private property is being affected, including the exact nature and degree of hydrologic and economic impact;
 - (ii) whether such impacts infringe upon legally-protected rights; and
 - (iii) if impacts are shown, various options for mitigating such impacts
-
- (7) Scoping letter, Encl. 2, p. 1, para. 1.1: Six month weather outlooks, in addition to three month weather outlooks, should be used in conjunction with project modifications.
- (8) Scoping letter, Encl. 2, p. 2, para. 1.1.1: Analysis of modifications in the criteria for S-333 releases should encompass all twelve months, and not be restricted to only January 1 to July 15. Also, if increased flows under L-29 are anticipated to cause "temporary degradation" of the US 41 roadbed, these impacts should be documented. Moreover, alternative increased flows that do not cause degradation should be analyzed.
- (9) Scoping letter, Encl. 2: The IOP and EIS should include analysis of the complete or partial removal of the L-67 extension levee.
- (10) Scoping letter, Encl. 2, para. 1.1.5: Modifications encompassing all twelve months should be considered.
- (11) Scoping letter, Encl. 2, para. 1.1.5: Modifications encompassing all twelve months should be considered.

- (12) Scoping letter, Encl. 2, paras. 1.3 and 1.4: If additional environmental analysis is conducted of Test 7, Phase II operational criteria, including for L-31N, for inclusion in the EIS, the Corps should explain why such analysis is required or is otherwise being conducted, in light of the 1995 Environmental Assessment already completed for such agency action.
- (13) Scoping letter, Encl. 2, paras. 2.1 and 3.1: In light of information in the record about the questionable benefits of Lake Okeechobee operational changes for the Sparrow and the adverse environmental consequences of such actions, benefits to the Sparrow from changes in Lake operations should be specifically documented in the EIS. Options to such actions and mitigating conditions should be separately analyzed.
- (14) We also strongly suggest that there be consultation with interest groups in the St. Lucie and Lake Okeechobee areas concerning proposed options for Lake Okeechobee operational changes, including possibly conducting separate scoping meetings in those areas.
- (15) Scoping letter, Encl. 2, para. 2.3: The EIS should include a comprehensive analysis of the environmental impacts of changes in South Dade Conveyance System operations from Test 7, including on dry season wading bird habitat.
- (16) Scoping letter, Encl. 2, para. 3.5: The Scoping letter is unclear about what options will be considered in the EIS for reduction of flood control releases from the EAA. We believe that increased backpumping into Lake Okeechobee should be disfavored and the analysis should focus upon increased water retention within the EAA itself.

Finally, we believe that we wish to wish to Please contact me at (212) 727-4507 if you have any questions or concerns to discuss regarding these comments.

Sincerely yours,



Bradford H. Sewell
Senior Project Attorney

cc (via facsimile):

Steve Forsythe (FWS)
Richard Ring (ENP)
Frank Finch (SFWMD)

November 23, 1999

Department of the Army
Jacksonville District Corps of Engineers
Att: Mr. Elmar Kurzbach
P.O. Box 4970
Jacksonville, Fl. 32232-0019

Reference: Cape Sable seaside sparrow project.

Dear Mr. Kurzbach:

I received your communication Dated October 16, 1999 regarding this project.
According to your instructions I am requesting to be included in all future mailings for this project.

My name is Nestor de la Cruz-Munoz, 11950 S.W. 47 Street, Miami, Fl. 33175.

Thank you,



Nestor F. de la Cruz-Munoz

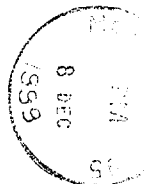
(305)554-9185

Dec. 7, 1999

I received this as is back in October. I assumed that I would get more information sometime in the near future, but to date, there hasn't been any. Could you please advise what this is about as I'm tired of trying to figure it out. Thank you.

Charlotte R. Angelroth
2100 S. Bridge Av. #238
Weslaco, TX 78596-8140

PD
Army
1st Corps of Engineers
232-0019



December 2,
1999

Dept. of the Army
P.O. Box #970
Jacksonville, FL 32232

Gentlemen:

I am in receipt of your
letter of Oct. 26, 1999.

I would like to hand
an explanation as to why I
have received this material.
I note that my name is
not on the enclosed list
of addressees.

Sincerely,

Lorraine S. Gero

LOP
(Dr)



Lorraine S. Gero
5329 Majestic Ct.
Cape Coral, FL 33904-5946

Dept. of the Army
Jacksonville District
Corps of Engineers

Attention: Mr. Elmar Kurzbach
Planning Division
Environmental Branch.

SIR, ^{Nov. 20th 1999}
I would like to be kept informed
about your "Interim Operation Plan" (IOP)
for the Central & Southern Florida (CSF)
Project to protect the Cape Sable Seaside
Sparrow.

I'm concerned because our property,
I believe, is in or around the properties
set out on your "ENCLOSURE #1 MAP."

If so, your group will have to
purchase same!

PLEASE KEEP ME INFORMED.

(C.C.1 FILE) Respectfully
Hugh J. O'Toole
302 Baymount Dr. N.E.
Jacksonville, FL 32217
STATESVILLE, NC



370 Minorca Avenue, Suite 17
Coral Gables, Florida 33134
(305) 448-2525
(305) 445-6202
Fax: (305) 443-2552

December 1, 1999

Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019
Attention: Mr. Elmar Kurzbach

Dear Mr. Kurzbach:

I am in receipt of your department's correspondence dated October 26, 1999 regarding operational plans pursuant to the "Mod Waters Project".

I would very much appreciate your specifying to me the legal description of the lands owned by myself or Mikan Investments which may be affected by your proposals.

Respectfully,



MICHAEL P. GALE, ESQ.

MPG/cp

Tomáš Vachuda and Sharon Volckhausen
would like to be included in future mailings
for the preparation of the environmental
impact statement on the interim operational
planning for the Central and Southern Florida
Project. Thank you.

Simpson Thacher & Bartlett
425 Lexington Ave
New York, NY 10017

Joaquina Lopez
Box 13
Caguas, Puerto Rico 00926

November 10, 1999

Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232-0019

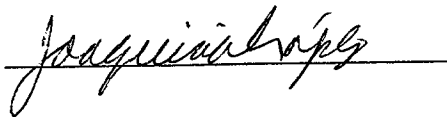
ATTENTION: **Mr. Elmar Kurzbach**
Planning Division, Environmental Branch

Sir:

I acknowledge receipt of your communication of October 26, 1999 regarding the meeting to be held November 16, 1999 at the Keys Gate Golf & Tennis Club.

Sorry, I will not be able to attend in this opportunity due to my age and health condition. Nevertheless, I will like to be included in future mailings regarding this project. Thank you.

Sincerely,



Nov. 5, 1999

Mr. Elmar Kurybach
Department of the Army
Jacksonville District Corps of Engineers
P. O. Box 4970
Jacksonville, Florida 32232-0019

Planning Division
Environmental Branch

Re: Folio # 30 5817 000 1390

Dear Sir:

My husband & I are the owners of 5 acres of land on West Kendall Dr. Miami-Dade County. What we would like to know is if this property is considered part of the Everglades. It was purchased approximately 34 yrs. ago. I don't know what other information you would need but I would appreciate any information you may provide.

Thank you.

Sincerely

Mary B. Jaranda
5016 Rosehill Dr. # 204
Bryton Beach, Fla. 33437
561-364-4825

5 ac \$15K

\$50/yr taxes

November 1, 1999

on the
"Planning"
Central Branch,
Pine Island Plant
Sparrows.

only,
Alan A. Lindholm

RE: EVERGLADES NATIONAL PARK RESTORATION.

i.e. land value vs TAX TODAY'S PLANS TO BE ANALYSED

DATE: 11.16.99 @ 6:30 p.m.

PLACE: KEYS GATE GOLF - TENNIS CLUB

2300 PALM DRIVE, HOMESTEAD, FL.

P.S. AS AN AMERICAN INVESTOR. JUST WHERE DO I STAND.

LET THE LAWYER STAND THEIR GROUND vs U.S. ARMY
CORPS ENG.

THANK YOU FOR SERVICES RENDERED. W.J. WYROSTEK SR.

KEEP ME POSTED.

'-99

Strived Oct 1
Rock OK 72116

Army
in letter with
add. May
in the sheet,
pieces of prop
to three acre
2 1/2 acre I
- none of
it in your
had to hear
they do

By
Chase

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P.O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019
OFFICIAL BUSINESS

FIRST-CLASS MAIL
U.S. POSTAGE
PAID
Jacksonville, FL
Permit No. 1442

Hello: The Federal govt bought the
property located at 1000 1st St. N. in 1999.

718
212-331-8448

Rose.
~~ANTHONY~~ GAGGI

R. & A. SALES CO., INC.

283 BAY 8TH STREET

BROOKLYN, N. Y. 11228

Nov 16, 1999

Dear Mr. Kurzbaeck,

I am sorry to hear from Dept of the

R. & A. SALES CO., INC.

362 DAY STREET

BROOKLYN, N. Y. 11228

Nov 15, 1999

Dear Ms Castineira,

I am writing in response to your letter regarding "offer to sell" Real Property, received from your office dated Nov 5th.

I have not offered this property for sale and am surprised by this letter, and the amount offered is not acceptable at all.

In January of 1973, my Husband and I purchased these acres through a reputable Real Estate broker, "The Keyes Co," with the intention of developing this area.

R. & A. SALES CO., INC.

283 BAY 8TH STREET

BROOKLYN, N. Y. 11228

and Dadeland Shopping Center, which at the time was among the largest and most successful in the Country. This property was 8 miles west of where N. Kendall Drive ended with the expectation that N. Kendall Drive would continue 10 miles to the Everglade National Park Boundary.

The value even by the Real Estate Tax bills show that in 1973 the value was \$14,000

R. & A. SALES CO., INC.**283 BAY 8TH STREET
BROOKLYN, N. Y. 11228**

In 1980 - 7 year later the East Everglades Resources Planning Project together with the Metropolitan Dade County Planning Dept moved to change the land use thereby changing the value of the Land. I attended a meeting in May, 1980 at S. Miami H.S. This was originally a maritarium on Building to show the services to

R. & A. SALES CO., INC.283 BAY 8TH STREET
BROOKLYN, N. Y. 11228

I have been paying Taxes on the property since 1973 - 26 years. I've been paying for Opr. Debt NE. Mun. Soc. Library, School Oper, School Dept. F.C. District. All of the listed services I have not used so I

[REDACTED]

have been paying for things for nothing at a cost of over \$8,956. All the while the government has been guaranteeing those loans knowing full well

[REDACTED]

R. & A. SALES CO., INC.

283 BAY 8TH STREET

BROOKLYN, N. Y. 11228

When my husband died, this was
property I considered to be one of my

without fair compensation.

Sincerely
Rose Gaggi

1973	9 Value 14,000	Tax 260.-
1974	32,000	475.88
1975	32,000	530.41
1976	32,000	529.12
1977	32,000	593.63
1978	32,000	589.54
1979	32,000	589. —
1980	32,000	625.46
1981	8,000	148.83
1982	8,000	146.94
1983	8,000	160.50
1984	8,000	173.00
1985	8,000	174.70
1986	8,000	174.33
1987	8,000	185.43
1988	8,000	177.73
1989	8,000	178.60
1990	8,000	192.13
1991	8,000	184.20
1992	8,000	187.32
1993	8,000	188.35
1994	8,000	185.35
1995	8,000	182.83
1996	8,000	181.01

1997	8,000	183.44
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1998	8,000	180.33
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Edward S. Syrjala
P.O. Box 149
Centerville, MA
02632
August 21, 1999

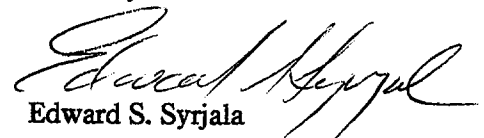
Elmar Kurzback
U.S. Army Corps of Engineers
P.O. Box 4970
Jacksonville, Florida 32232

Dear Mr. Kurzback:

I am writing to request that my name be added to the Service and Distribution List which will be maintained for the up-coming environmental review relevant to the development of a management plan to reduce impacts to the Cape Sable seaside sparrow within the Everglades. It is my understanding that a Biological Opinion presuming negative impacts has been issued by Fish and Wildlife. Are copies of that document available? If so, I would appreciate a copy or instructions as to how I might acquire the document.

I gratefully acknowledge any assistance which you may extend to me in the matter of this request.

Sincerely,



Edward S. Syrjala



United States Department of the Interior

FISH AND WILDLIFE SERVICE
South Florida Ecological Services Office
1339 20th Street
Vero Beach, Florida 32960

January 23, 2001



Mr. James C. Duck
Chief, Planning Division
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, FL 32232-0019

Log No.: 4-1-95-310R2
Project Name: North Water Detention Area
for Pump Station 332B
Dated: December 21, 2000
County: Miami-Dade County

Dear Mr. Duck:

The Fish and Wildlife Service (Service) has reviewed your December 21, 2000, letter and your letter of October 23, 2000, on the 332B pump station project. This response represents the Service's view of the effects of this proposed action in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. *et seq.*) (ESA), and with the provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended: 16 U.S.C. 661 *et seq.*). The Service concurs with the Corps' determinations made in the subject letter except for the Florida panther (*Puma concolor coryi*). According to survey results, the project site currently provides habitat for the Florida panther.

We believe an amendment to the existing biological opinion and Incidental Take Statement for the Experimental Program can appropriately cover consultation on construction of the 332B north water detention area through a modification to include impacts to the endangered Florida panther and loss of occupied panther habitat. All other aspects of this proposed construction action are consistent with the findings of the Service's 1999 biological opinion. Since consultation on construction of the 332B north water retention area can be accomplished through an amendment to the existing 1999 biological opinion and Incidental Take Statement, we anticipate that the amendment can be completed expeditiously following receipt of an initiation letter from you.

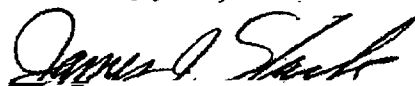
Due to the proposed retention area's interrelation with the larger C-111 project, regulations governing the section 7 consultation process would normally require a combined analysis for both projects. However, the Service has recognized the critical nature of the sparrow's current status and required as part of the RPA in our February 19, 1999, BO, interim structural and operational changes prior to full implementation of the C-111 and Modified Water Deliveries

Mr. James C. Duck
Chief, Planning Division
U.S. Army Corps of Engineers
January 23, 2001
Page 2

Projects. [The Corps has not yet finalized operational rules for the project, but, as explained in the Service's January 2, 2001, Planning Aid Letter on the Interim Operating Plan, preliminary modeling of potential operations indicates that operations are likely to have both beneficial and adverse effects on sparrow habitat and breeding potential.] Dry season water level reversals also have the potential to disrupt wood stork foraging and may cause wood stork nesting failure and/or abandonment, while increased water levels and hydroperiods during the wet season may increase wood stork prey availability. Therefore, the Service can not concur with the Corps' determination for the sparrow or wood stork for operational aspects of the project. To concur with the Corps' determination or to initiate formal consultation the Service requests that the Corps provide additional analysis on the potential effects of operations of the project to the sparrow, wood stork and panther as required in (50 CFR 402.14). Your analysis should follow the enclosed outline (Enclosure 1) and should include analysis of MODBRANCH modeling of proposed operations and analysis of data gathered during 332B operations over the past year.

Separating your analysis of construction from the analysis of operational impacts may unintentionally result in operational constraints if later operations development shows that structural features cause unforeseen adverse impacts. If you have questions, please contact me or Biologist Heather McSharry at the above number if we may provide further assistance.

Sincerely yours,



BIOLOGICAL EVALUATION CONTENT

- 1) Provide the location of the proposed activity including state, county and township, range and section.
- 2) Provide a location map which shows where the proposed projects is in south Florida. Provide a vicinity map showing project location, major roads, and roads in the immediate area, and all activities associated directly or indirectly with the project. Provide a site map which depicts all proposed projects developments with the boundary site including vegetation removal, construction sites, location of structures and features, etc. Map scales should be adequate to orient someone unfamiliar with the project or project area. Provide a map, preferably an aerial view or similar, scale of 1 to 400, showing the project boundaries and an area of approximately 500 feet surrounding the project. Photographs

- 3) Provide a detailed description of the proposed activity, including secondary project features such as access roads, power lines, etc.
- 4) Describe construction and operation activities, including types of equipment that may be used, and the expected timing, duration and frequency of these activities.

- 1) Provide a description of the habitat and/or plant communities on site and within the project vicinity. Provide a listing of wildlife species observed or expected to be present on the site either seasonally or temporarily. Provide a description of survey methods used to classify and identify the habitats and species occurrences.
- 2) Identify listed, proposed and candidate species that are known to or thought to occur onsite or within the project vicinity. Provide a description of typical habitat requirements for

Enclosure 1 - USFWS - January 2001

methods must be site specific and species specific and in sufficient detail to determine absence of the species or the species is assumed to be present on the site.

- 5) Provide information obtained from local biologists or other sources, i.e. county, state, and federal agencies, local researchers, etc., that are familiar with the project areas and species in question.

Effects of the Action

Direct and indirect effects:

- 1) Describe and analyze the effects of the action that would have a direct effect on the species. For example, actions that would immediately remove or destroy habitat or displace animals or plants; actions that would disturb individuals such as additional noise, application of chemicals; or actions that would alter hydrology of the ecosystem, including water quality, etc.
- 2) Describe and analyze the effects of the action that would indirectly affect the species. For example, address effects to individuals or habitat that would occur later in time (e.g. actions that would affect a species' food supply, vegetative composition of habitat, etc.)

Interdependent and interrelated effects:

- 1) Describe and analyze the effects of interdependent actions. These are actions that have no independent utility apart from the primary action. An example of an interdependent action may include the construction, maintenance, and use of a access roads to the proposed project.
- 2) Describe and analyze the effects of interrelated actions. These are actions that are part of the primary action and dependent upon that primary action for their justification. An example of an interrelated activity may include operational adjustments providing increased flood control for private lands or redesign of other C-111 project features based on performance of the 332B north water retention area.

Both the interdependent and interrelated activities are assessed by applying the "but for" test, which asks whether any action and its associated impacts would occur "but for" the proposed action.

Cumulative effects:

- 1) Describe and analyze the effects of actions that have already occurred in the vicinity of the primary action. These cumulative effects on listed species and their habitats establish the

Enclosure 1 - USFWS - January 2001

baseline from which to measure the additional effects of the activity under analysis.

- 2) Describe and analyze the effects of actions that are cumulative to the primary action. Cumulative effects include the effects of unrelated future state and/or private activities, not involving Federal activities, that are reasonably certain to occur within the project area. An example of an action that could be considered cumulative to the primary action would be a future increase or modification of nearby private agricultural or urban development resulting from increased flood control. A future activity is "reasonably certain to occur if it is likely to occur considering economic, administrative, or legal issues; implementation of the activity need not be guaranteed.
- 3) Cite any research findings that are used in the analysis of the effects of an action. This adds to the credibility of the analysis.

Incidental Take

- 1) Every effort should be expended to assess whether or not take of a listed species is likely to result from a proposed activity. Numbers of individuals likely to be taken or total amount of habitat that will be lost should be provided.
- 2) Take as defined in Section 3(18) of the Act means to "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.
- 3) Incidental take as defined in Section 10(a)(1)(B) of the Act means "any taking otherwise prohibited by Section 9(a)(1)(B) if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.
- 4) Take may occur only to individuals of a species, or to the number of individuals associated with habitat or to designated critical habitat. The take prohibition does not extend to proposed or candidate species.

Conservation Measures

- 1) Conservation measures are actions that, when implemented by the Federal agency or applicant, would reduce the adverse effects of the proposed activity.
- 2) Conservation measures may be alterations in the proposed activity such as timing restrictions, access closures, or changes in project features or location. The measures should be as specific as possible.
- 3) Conservation measures may be developed with the assistance of the Service with the

Enclosure 1 - USFWS - January 2001

objective of reducing significant project impacts. These measures would assist in compliance under the Act through the informal section 7 process.

Determination of Effect

- 1) The finding or determination of effect is the conclusion of the assessment and indicates the overall effect of the proposed activity to listed species or critical habitat. This finding must be supported by the documentation presented in the biological assessment.
- 2) The finding of effect may only be made by the Federal agency. A recommended finding may be presented to the Federal agency by the non-Federal representative.
- 3) The Federal agency may make only one of the following determinations of effect:
 - Beneficial effect
 - No effect
 - May affect, not likely to adversely affect
 - may affect, likely to adversely affect
- 4) Determinations of "beneficial effect" must be presented to the Service for written concurrence and, at the discretion of the Service, possible formal consultation.
- 5) Determinations of "no effect" do not require written concurrence from the Service unless it's an EIS. However, we routinely request copies of no effect assessments for our files. Written concurrence from the Service for no effect determinations will be provided on request.
- 6) Determinations of "may affect, not likely to adversely affect" may be provided for projects that may affect a listed species, but the impacts are likely to be insignificant or discountable. This conclusion is usually reached through the informal consultation process and requires written concurrence from the Service.
- 7) Determinations of "may affect, likely to adversely affect" would be appropriate for actions that have significant effects to listed species, and for which no conservation measures are available to significantly reduce or eliminate project impacts. This finding requires the Federal agency to initiate formal section 7 consultation under the Act. A written request for formal consultation should accompany the biological assessment.
- 8) Similar finding of effects are to be made for designated critical habitat.

Enclosure 1 - USFWS - January 2001

- 9) Determinations "no jeopardy" or "jeopardy" are required by the Federal agency for project impacts related to proposed species or proposed critical habitat. The Service is available to assist the Federal agency with this determination of effect. Conference is required for "jeopardy" findings to proposed species or proposed critical habitat.

INFORMAL CONSULTATION

- 1) Informal consultation is an informal procedure that includes all contacts prior to formal consultation. Informal consultation is an optional process.

2) Determination of effect



United States Department of the Interior
FISH AND WILDLIFE SERVICE



Vero Beach, Florida 32960

February 9, 2001

Mr. James C. Duck
Chief, Planning Division
U.S. Army Corps of Engineers
Jacksonville District
P.O. Box 4970
Jacksonville, Florida 32232-0019

Log No.: 4-1-95-310R2
Project Name: North Water Detention Area
for Pump Station 332B
Dated: December 21, 2000
County: Miami-Dade County

Dear Mr. Duck:

Based on our February 1, 2001, discussion with members of your staff, the Fish and Wildlife Service (Service) provides the following clarification of position as expressed in our January 23, 2001, letter on the above project. The Service supports the 332B North water detention area project and has pledged to expedite review of this proposed action in accordance with section 7 of the Endangered Species Act of 1973, as amended (16 U.S.C. *et seq.*) (ESA). Although questions remain regarding the best method of operating the 332B pump, common sense tells us that the additional retention area will improve Interim Structural and Operational Plan and Interim Operating Plan performance. The second detention area would likely improve the Army Corps of Engineers ability to meet reasonable and prudent alternative targets for the endangered



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019

REDIV TO

Planning Division
Environmental Branch

FEB 19 2001

Mr. James J. Slack
Field Supervisor
U.S. Fish and Wildlife Service
1339 20th Street
Vero Beach, Florida 32960-3559

Dear Mr. Slack:

This refers to Endangered Species Act coordination on the proposed North Water Detention Area for Pump Station 332B (S-332B) as addressed in your letter of January 23, 2001 (FWS Log No. 4-1-95-310R2).

You advised that you concur with our determinations, except relative to the panther. You disagreed with our previous determination (letters of October 23, 2000 and December 21, 2000) that construction of the proposed area would not likely have adverse effects on the Florida panther. However, in your January 23, 2001 letter you propose an amendment to the 1999 Biological Opinion (BO) that would cover consultation for construction of the north detention area. We concur with that approach, and will work with your staff to provide the information and analyses required for you to amend the existing 1999 BO and Incidental Take Statement as expeditiously as possible.

You further stated that you could not concur with our determination that operation of the proposed area would not likely have adverse effects on the Florida panther, wood stork, and Cape Sable seaside sparrow. However, as noted in your recent letter of February 9, 2001, you still believe we may be able to provide benefits to sparrow habitat and breeding potential by constructing the additional detention area. We will continue to work with your staff in analyzing and resolving any operational concerns you have relative to these species or their habitats.

As a matter of background, we proposed the north detention area as a supplement to the existing west detention area in order

determination, neither the Park hydrologists nor our modeling staff feel confident at this point on results generated by MODBRANCH.

Unfortunately we will not be able to complete our operational modeling analysis and incorporate those findings in the draft EIS for the IOP per the schedule for this document. Since we are unable to answer your specific concerns about operation of the new detention area to your satisfaction at this time, we are proceeding with the release of the draft EIS for the IOP with a tentative recommended plan that does not include the additional detention basin. The additional detention basin will continue to be included as an alternative in the draft EIS. We will continue our analysis of the issues and concerns you raise and incorporate the comments and input received on the draft EIS to develop the final recommended plan and operations.

The Corps continues to believe that the additional detention basin is a worthwhile option to explore and we will continue our analysis to answer all the concerns you have raised. We will be forwarding that information as it is developed and available. As the EIS process continues, you will have the opportunity to give the decision maker input as to whether, as an agency, your concerns regarding our construction and operation are outweighed by the benefits of the alternative.

The point of contact on my staff for further information is Mr. Elmar Kurzbach at telephone number 904-232-2325.

Sincerely,

A handwritten signature in black ink, appearing to read "James C. Duck". The signature is fluid and cursive, with a large, stylized "J" and "D".

James C. Duck
Chief, Planning Division